

Michael S. Freeman, Colo. Bar # 030007
mfreeman@earthjustice.org
Alison C. Flint, Colo. Bar # 41326
aflint@earthjustice.org
EARTHJUSTICE
1400 Glenarm Pl., #300
Denver, CO 80202
(303) 623-9466 (phone)
(303) 623-8083 (facsimile)

Henry Egghart, Nev. Bar #3401
1675 Lakeside Drive
Reno, Nevada 89509
(775) 329-2705 (phone)
(775) 852-5309 (facsimile)

Attorneys for Intervenors and Cross-claimants

**UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**JOHN C., CARPENTER, and ELKO
COUNTY, NEVADA, et al.,**

Defendants,

**THE WILDERNESS SOCIETY and
GREAT OLD BROADS FOR
WILDERNESS,**

Intervenors and Cross-claimants.

)
)
)
) **3:99-CV-00547-RLH-(WGC)**
) **ORDER GRANTING**
) **THE WILDERNESS SOCIETY et al.'s**
) **UNOPPOSED MOTION FOR**
) **CLARIFICATION OF SCHEDULING**
) **ORDER AND TO SET PAGE LIMITS**
) **FOR BRIEFING**
)
)
)
)
)
)

Intervenors and Cross-claimants The Wilderness Society and Great Old Broads for Wilderness (collectively, TWS) respectfully request clarification of the governing scheduling order (Dkt. # 393) with respect to TWS's filings in opposition to settlement agreement approval and in support of a motion for summary judgment on the cross-claims. TWS requests leave to file a single opening memorandum of points and authorities of no more than 50 pages, excluding exhibits, in opposition to settlement approval and in support of its motion for summary judgment on the cross-claims. Counsel for TWS has conferred with counsel for Plaintiff United States of America and counsel for Defendant Elko County, Nevada, who do not oppose this Motion.

The scheduling order provides that “[t]he parties shall file dispositive motions and supporting briefs addressing the cross-claims and issues related to the settlement agreement approval by February 8, 2012.” Dkt. # 393 at 2. The scheduling order does not specify whether the parties shall file separate briefs addressing settlement approval and the cross-claims, nor does it prescribe page limits. Local Rule 7-4, however, limits points and authorities in support of or in response to motions to 30 pages, excluding exhibits. The Rule also limits reply points and authorities to 20 pages, excluding exhibits.

Because the issues addressed in the brief on settlement approval and the motion for summary judgment on the cross-claims overlap substantially, TWS believes it will be most efficient to address both components in a single opening memorandum of points and authorities. A combined filing, however, will require more than 30 pages to present the issues clearly and adequately. Accordingly, TWS requests leave to file a single opening memorandum of points and authorities of no more than 50 pages, excluding exhibits, in opposition to settlement approval and in support of its motion for summary judgment on the cross-claims.

To avoid the need for further clarification of the scheduling order, TWS also requests that the Court provide for similar combined filings on response and reply. TWS requests that the Court permit the parties to file combined response points and authorities of up to 50 pages, excluding exhibits, addressing both settlement approval and the cross-claims, and combined reply points and authorities of up to 30 pages each, excluding exhibits.

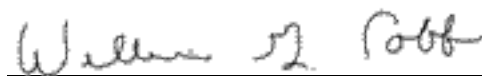
Respectfully submitted January 31, 2012.

s/ Michael S. Freeman
Michael S. Freeman, Colo. Bar # 030007
mfreeman@earthjustice.org
Alison C. Flint, Colo. Bar # 41326
aflint@earthjustice.org
1400 Glenarm Pl., #300
Denver, CO 80202
(303) 623-9466 (phone)
(303) 623-8083 (facsimile)

Henry Egghart, Nev. Bar # 3401
1675 Lakeside Drive
Reno, NV 89509
(775) 329-2705 (phone)
(775) 852-5309 (facsimile)

*Attorneys for The Wilderness
Society and Great Old Broads
For Wilderness*

IT IS SO ORDERED:



UNITED STATES DISTRICT/MAGISTRATE JUDGE

DATED: February 1, 2012.